

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ROTH, Richard B. et al.

Application No.: 10/723,518

Filing Date: November 25, 2003

Title: METHODS FOR IDENTIFYING RISK
OF BREAST CANCER AND
TREATMENTS THEREOF

Examiner: SITTON, Jehanne S.

Group Art Unit: 1634

Conf. No.: 8937

Atty Dkt No. SEQ-4068-UT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty under 37 C.F.R. 1.56, and in accordance with 37 C.F.R. 1.97 *et. seq.*, the enclosed materials are brought to the Office's attention for consideration in connection with the above-identified patent application. Applicant respectfully requests that the Office enter this statement and consider and make of record the documents listed on the attached Form SB08A and any document(s) disclosed herein. Pursuant to MPEP 609, Applicant requests that the Office return a copy of the attached Form SB08A, on which each entry is initialed as considered by the Office, with the next official communication.

In accordance with 37 C.F.R. 1.97(g) and 1.97(h), submission of this statement and attached Form SB08A should not be construed as (i) a representation that a search has been made, nor as (ii) an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b). Submission of this statement also is not to be construed as an admission that the documents and information cited therein constitute prior art.

Applicant brings to the Examiner's attention the existence of the following co-pending related applications: (1) application no. 11/570,427 filed May 27, 2004, Not Yet Published, (Attorney Docket No. SEQ-4066-US, Examiner Not Yet Assigned), (2) application no. 11/570,428 filed May 27, 2004, Not Yet Published (Attorney Docket No. SEQ-4070-US, Examiner Not Yet Assigned), (3) application no. 10/723,681 filed November 25, 2003 and published as US-2005-0192239-A1 on September 1, 2005 (Attorney Docket No. SEQ-4069-UT, Examiner Jehanne S. Sitton), (4) application no. 10/857,780 filed May 27, 2004, published as US2005-0272043 A1 on December 8, 2005 (Attorney Docket: SEQ-4069-CP, Examiner Sarae L. Bausch. These co-pending applications previously were cited by Applicant in an Information Disclosure Statement cover sheet, and these patent applications are cited by publication numbers in the accompanying Form SB08A.

The attached Form SB08A lists documents from related, co-pending patent applications. Applicant brings to the attention of the Examiner the A7 citation "GeneCard for DPF3, Available online at World Wide Web URL genecard.com, p. 1-24." This document was cited by the Office in a recent Office action on Form PTO-892 in related, co-pending application 10/857,780 (filed November 25, 2003, publication no. 2005-0272043A1 published December 8, 2005). Applicant attempted to identify the document by the citation and no document was located using this reference information. Applicant respectfully requests clarification.

This statement is submitted in compliance with the following section under 37 C.F.R. 1.97:

☐ 37 C.F.R. 1.97(b)

This statement is filed (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114.

☒ 37 C.F.R. 1.97(c)

This statement is filed after the period specified in 37 C.F.R. 1.97(b) and before the mailing date of a final action under 37 C.F.R. 1.113, a notice of allowance under 37 C.F.R. 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in 37 C.F.R. 1.17(p).

☐ 37 C.F.R. 1.97(d)

This statement is filed after the period specified in 37 C.F.R. 1.97(c) and is filed on or before payment of the issue fee and is accompanied by the fee set forth in 37 C.F.R. 1.17(p). Applicant makes one of the following statements under 37 C.F.R. 1.97(e): (1) each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or (2) no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the information disclosure statement.

In the unlikely event a fee calculation document or pertinent fee is not included or separated from this submission, and the Office determines that relief is required, Applicant authorizes the Assistant Commissioner to charge the cost of such fee due in connection with the filing of this statement to Deposit Account No. **50-3473**.

Respectfully submitted,

Date: August 29, 2007

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